

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In the Matter of the Complaint of Kerry W.
Shea and Jennifer R. Shea, Individually and as a
Marital Community, as owners of the M/V
SATISFACTION, Hull Identification No.
26B05413, for Exoneration from or Limitation
of Liability

Case No. CV5-5633FDB

ORDER DENYING MOTION FOR
MONITION PENDING DEPOSIT OF
SECURITY

Before the Court is the Plaintiff's complaint for exoneration from or limitation of liability pursuant to the provisions of the Limited Liability Act, 46 U.S.C.App. § 183, *et seq*, and motion for monition, requesting the Court to order publication of notice of this action pursuant to Supplemental Admiralty Rule F(4). The Court, having reviewed the Plaintiffs' complaint and motion, finds that the motion should be denied pending compliance with the security requirements of Rule F(1).

Plaintiffs claim that the post-accident fair market value of their vessel is zero and thus, they are relieved of the security requirements of Rule F(1), except to the extent the Court requires posting of security for costs. The Court does not agree. Rule (F)(1) states that "the owner shall deposit . . . a sum equal to the amount or value of the owner's interest in the vessel . . . ". Where the vessel has no real market value, as Plaintiffs allege in this case, other methods of arriving at value must be used. *See, e.g.*, 80 C.J.S. SHIPPING § 479 (cost of reproduction at date of valuation may ordinarily be


1 considered).

2 ACCORDINGLY,

3 IT IS ORDERED:

4 (1) Plaintiffs' motion for monition (Dkt.# 2) is **DENIED** pending deposit with the Court
5 of a sum equal to the amount or value of the owner's interest in the vessel, or
6 approved security therefor; security for costs in the amount of \$500.00; and, for
7 interest at the rate of six (6) percent per annum from the date of the security.

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9 DATED this 7th day of October, 2005.

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12 FRANKLIN D. BURGESS
13 UNITED STATES DISTRICT JUDGE
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